

REMARKS

Claims 1 and 36 to 117 were pending in the application at the time of examination. Claim 1 stands rejected for double patenting. Claims 1 and 36 to 117 stand objected to as duplicates. Claims 1 and 36 to 117 stand rejected as anticipated.

Applicants have amended the description to properly reflect the status of the U.S. Patent Applications cited therein.

Claims 46, 66, 86, 106 and 117 are each amended to correct an antecedent basis informality. Claims 116 and 117 are also amended to correct grammatical informalities.

Claim 1 stands rejected under 35 U.S.C. § 101 for double patenting same invention. Applicants have cancelled Claim 1 and so have rendered the rejection moot.

Claims 1 and 36 to 117 stand objected to under 37 C.F.R. 1.75 as being substantial duplicates of Claims in U.S. Patent Publication No. 2004/0073379, now U.S. Patent No. 7,107,581, and U.S. Patent No. 6,363,523. The rejection noted "claims . . . are merely broad recitations (omitting one step or component) of the claims . . . publication '3379 and patent 6,363,523."

Applicants respectfully submit that this observation is an admission that the rejection is not well founded. The MPEP requires:

Nevertheless, when two claims in an application are duplicates, or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other claim under 37 CFR 1.75 as being a substantial duplicate of the allowed claim.

MPEP § 706.03(k), 8th Ed., Rev. 5, p. 700-76 (August 2006).

The rejection admitted that the claims were not so close in content that they both cover the same thing, despite a

slight difference in wording, because the claims in the instant applications omit at least one step or component and so have a broader scope than the claims in publication '3379 and patent 6,363,523.

The MPEP directs:

However, court decisions have confirmed applicant's right to restate (i.e., by plural claiming) the invention in a reasonable number of ways. Indeed, a mere difference in scope between claims has been held to be enough.
(Emphasis Added.)

MPEP § 706.03(k), 8th Ed., Rev. 5, p. 700-76 (August 2006).

Since the rejection itself points out that there is at least a mere difference in scope between the claims, "(omitting one step or component)," the MPEP directs that this is enough to avoid the duplicate claim objection. Therefore, Applicants respectfully request reconsideration and withdrawal of the objection to Claims 36 to 117.

Claims 1 and 36 to 117 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,363,523.

Applicants respectfully traverse the anticipation rejection of Claims 36 to 117. The earliest priority date for the claims in the instant application is November 12, 1999, as shown on the filing receipt, which is prior to the March 26, 2002 date of U.S. Patent No. 6,363,523. Thus, the Patent was not granted prior to the priority date for the instant application and so is not a proper reference.

Further, even if it were a proper reference, U.S. Patent No. 6,363,523 has the same inventorship as the instant application, i.e., the same declaration as was filed in the instant application and in U.S. Patent No. 6,363,523. Thus, the inventions in the patent are not the inventions of another. Therefore, §102(e) does not apply. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of Claims 36 to 117.

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Claims 36 to 117 remain in the application. Claims 46, 66, 86, 106, 116, and 117 have been amended. For the foregoing reasons, Applicant(s) respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant(s).

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 1, 2007.



Attorney for Applicant(s)

February 1, 2007
Date of Signature

Respectfully submitted,



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